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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,719	02/07/2005	Xiaoming Yuan	P70408US0	1062

136 7590 08/25/2006

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EXAMINER

LOWEN, ALYSSA

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/523,719

Applicant(s)

YUAN, XIAOMING

Examiner

Alyssa M. Lowen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horikawa (4109608), Langos (2634550), Seabold (3969181) and North (2031785). Horikawa discloses a detonation production toy device having a gun body (10), a power switch (90) mounted in the gun body (Fig. 1), a paper sheet (74), a trigger mechanism (92) mounted on the gun body (Fig. 1), an air pump (14) slidably mounted in the gun body (Figs. 5D-5E), a reposition spring (26) mounted in the gun body (Fig. 2) that engages the air pump and functions to return the pump to an original position after firing (column 4 lines 48-52), a seal body (16) communicating in the air pump, a gunpoint (22), a power source (87) and a rolling mechanism (54,52) located in the gun body. The rolling mechanism (54,52) moves a portion of the paper sheet for positioning between the seal body and the gunpoint (Fig. 5A) so that air pressure generated by the air pump and passed through the seal body engages the sheet and forces the portion to expand out through the gunpoint until the portion bursts and makes a loud noise (column 4 lines 34-45). The power source is activated by rearward movement of the trigger to engage the power switch which activates the air pump and cams (38,46) and pushes the air pump

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and seal body towards the gunpoint until the air pump discharges air through an air hole in a middle of the seal body (column 4 lines 5-48) and after the air is discharged and the trigger released the reposition spring forces the air pump rearwardly (column 4 lines 48-52) and a now detonated portion of the sheet is rolled away from the gunpoint sending a new and unused portion of the sheet to the gunpoint (Fig. 5A). Horikawa discloses the basic inventive concept with the exception of utilizing a supply roll. Langos discloses a roll of paper (17) located within the gun body of a toy gun (Fig. 1) that can be detonated so as to create a noise when fired. It would have been obvious to one of ordinary skill in the art from the teaching of Langos to include a roll of paper as in the gun body as opposed to a sheet in order to keep the ammunition in an organized and easily transportable manner. The combination of Horikawa and Langos discloses the basic inventive concept, substantially as claimed, with the exception of the rolling mechanism including a take-up role on which the detonated portion of the supply roll can be wound. Seabold discloses a gun like apparatus that has a supply roll that feeds the used up portion of the supply role into a take-up role (Fig. 1). It would have been obvious to one of ordinary skill in the art from the teaching of Seabold to include a take-up role in the gun body to retain the used portion of the supply role in a neat and organized manner as opposed to the used up portion coming out of the gun in long strips. The references disclose the basic inventive concept substantially as claimed with the exception of rubber film being used in place of the paper strip. North discloses the use of thin rubber in a toy gun (page 1 column 1 lines 15-16). It would have been obvious to one of ordinary skill in the art at the time of invention from the teaching of North to use rubber

film in order to expand and burst the film to create a sound similar to that of firing a pistol.

Response to Arguments

3. Applicant's arguments filed 6/5/06 have been fully considered but they are not persuasive. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alyssa M. Lowen whose telephone number is 571-272-2684. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AML


EUGENE KIM
SUPERVISORY PATENT EXAMINER